

REMARKS

Claims 2-10 and 32-58 are pending herein. By this Amendment, Claims 1 and 11-31 are canceled, without prejudice or disclaimer; the specification and Claims 2, 5, and 7-10 are amended; and new Claims 32-58 are added. Support for the claim amendments and new claims is found in the specification at, *inter alia*, paragraphs [0021], [0026], [0029], [0031], [0033], [0060]-[0074], [0076], [0092], and [0101]-[0102]. No new matter is added by this Amendment.

I. EXAMINER INTERVIEW

Applicants thank Examiner Parker for the courtesies extended to their representative at the November 20, 2007 personal interview. At the interview, Applicants' representative discussed amendments to overcome the formality rejections and clarified the Wet Area Method and Total Absorption Method. The Examiner questioned whether the modification of reactivity, as initially proposed, was optimization by routine experimentation. Applicants' summary of the interview is set forth in the foregoing amendments and the following remarks.

II. FORMAL MATTERS

The specification is objected to for not capitalizing trademarks. The specification is accordingly amended to capitalize CALGON and DISPEX. Reconsideration and withdrawal of the objection are respectfully requested.

Claim 20 is objected to for having an improper preamble. Claim 20 is canceled, thereby rendering the objection moot. Reconsideration and withdrawal of the objection are respectfully requested.

Claims 1, 12-14, 17-18, 21-22, and 24 were rejected under 35 U.S.C. 112, second paragraph, as assertedly being indefinite. Claims 1, 12-14, 17-18, 21-22, and 24 are canceled, thereby rendering the rejection moot. With respect to the pending claims, dependent Claims 33 and 43 clarify the Wet Area Method and Total Absorption Method as discussed at the interview.

One of ordinary skill in the art would understand the scope of the pending claims when read in light of the specification. Thus, the requirements of 35 U.S.C. 112, second

paragraph, are satisfied. Reconsideration and withdrawal of the rejection are respectfully requested.

III. REJECTION UNDER 35 U.S.C. 102(b)

Claims 26-28 were rejected under 35 U.S.C. 102(b), or in the alternative under 35 U.S.C. 103(a), over Hooker, Changing the face of masonry (1991). Product-by-process claims 26-28 are cancelled, thereby rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

IV. REJECTION UNDER 35 U.S.C. 103(a)

Claims 1-10, 14-16, and 19 were rejected under 35 U.S.C. 103(a) as obvious over Hooker. This rejection is respectfully traversed with respect to the pending claims.

Hooker discloses hand-application techniques to change the appearance of masonry in place. Hooker does not teach or suggest (1) modifying the reactivity of one or more faces of a masonry product by pre-treating with one or more of (a) a mineral paint based upon a silicate chemistry of sodium or potassium; (b) absorbent sands in a concrete mix; or (c) acid etching; and (2) applying a tinting composition to the surface.

Hooker also does not teach or suggest (1) modifying the reactivity of a masonry surface comprising a clay brick by applying a full and even coverage of slurry to the masonry surface; and (2) applying a tinting composition to the masonry surface. Thus, it would not have been obvious for one of ordinary skill in the art to practice the claimed methods in view of Hooker. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 11-13, 17-18, and 20-25 were rejected under 35 U.S.C. 103(a) as obvious over Hooker in view of U.S. Patent No. 3,799,716 (Salts). This rejection is respectfully traversed with respect to the pending claims.

Salts does not overcome the deficiencies of Hooker. Salts discloses a process for coating concrete bricks with exposed surfaces having sharply delineated portions of contrasting color and/or texture by periodically and regularly forming atomized particles of a viscous cementitious slurry and directing the same onto portions of surfaces of each of a plurality of green concrete bricks in groups (Abstract). Thus, Salts requires

“partial fractional coverage of selected faces of the brick” to obtain a “strongly colored glazed zone with a sharply defined edge” accentuated by the immediately adjacent coarser and relatively duller or differently colored concrete surface (col. 7, line 60 – col. 8, line 2; col. 18, lines 40-55). See FIGS. 13-14.

Like Hooker, Salts does not teach or suggest (1) modifying the reactivity of one or more faces of a masonry product by pre-treating with one or more of (a) a mineral paint based upon a silicate chemistry of sodium or potassium; (b) absorbent sands in a concrete mix; or (c) acid etching; and (2) applying a tinting composition to the surface. Salts also does not teach or suggest (1) modifying the reactivity of a masonry surface comprising a clay brick by applying a full and even coverage of slurry to the masonry surface; and (2) applying a tinting composition to the masonry surface, such that the tinting composition colours the masonry surface.

Thus, it would not have been obvious to one of ordinary skill in the art to practice the claimed methods in view of the combined teachings of Hooker and Salts et al. Reconsideration and withdrawal of the rejection are respectfully requested.

V. CONCLUSION

Applicants respectfully submit that all of the claims of this application are patentable. Examination on the merits is awaited.

Respectfully submitted,

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